



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,520	09/12/2000	Jeffry Jovan Philyaw	PHLY-25.355	6222

25883 7590 05/27/2004

HOWISON & ARNOTT, L.L.P

P.O. BOX 741715

DALLAS, TX 75374-1715

EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 05/27/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,520

Applicant(s)

PHILYAW, JEFFREY JOVAN

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on March 12, 2004 (Paper No. 9). Previous office action contained claims 1-26. Applicant amended claims 1 and 14. Amendment filed on March 12, 2004 have been entered and made of record. Therefore, pending claims 1-26 are presented for further consideration and examination.

Response to Arguments

2. Applicants' arguments with respect to currently amended claims 1-26 have been considered but are moot in view of the ground(s) rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al. U.S. Patent 6,446,871 in view of Harris et al. U.S. Patent 6,331,972.

5. Referring to claims 1, and 14, Buckley reference disclose providing a triggering device having a unique code associated therewith, the unique code associated with a remote location (Fig. 5, portal server (208)) on a network (Fig. 5, internet (106)) of the source of the web page

Art Unit: 2143

(Fig. 5, content provider (214, or 216)); transmitting the unique code from the triggering device to an interface system (Fig. 5, ASCII string (200) from scanning device to client pc port (202)), the interface system disposed on the network at a triggering location (Fig. 5, from client pc (104) to internet (106)); retrieving location information associated with the unique code from a database, the location information corresponding to the location of the web page at the remote location on the network (Fig. 9, col. 11, lines 18-26 (map barcode with dB supported by content provider (214))); in response to retrieving the location information, connecting the interface system to the remote location, and presenting the web page corresponding to the location information of the remote location to the user via the interface system (col. 11, lines 6-26); however, Buckley reference fail to teach the triggering device having a unique code that uniquely identifies the triggering device.

Harris reference disclose a device having a unique code that uniquely identifies the device (Abstract; col. 17, lines 18-23; and col. 28, lines 30-38).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Harris's teaching into Buckley's method to use the unique code to uniquely identifies the device, so the triggering device can utilized the identification in combination with generated routing information for request and retrieval of information for presentation to the user related to the scanned optical code.

6. Referring to claims 2, and 15, Buckley reference disclose the triggering device in the step of providing is a portable wireless transponder (Fig. 5, infrared or radio frequency port (202), col. 5, lines 49-55; and col. 7, lines 20-35).

7. Referring to claims 3, and 16, Buckley reference disclose the transponder has the unique code stored therein in a non-volatile memory (col. 6, lines 14-15; and col. 6, lines 62-64).

8. Referring to claims 4, and 17, Buckley reference disclose the unique code in the step of providing is uniquely associated with the web page (col. 8, lines 60 through col. 9, lines 7).

9. Referring to claims 5, and 18, Buckley reference disclose the interface system in the step of transmitting comprises a receiver operatively connected to a computer, the receiver for receiving a triggering signal having the unique code contained therein (Fig. 5, serial/IR/USB (202)).

10. Referring to claims 6, and 19, Buckley reference disclose the user manually enables the triggering device to transmit the unique code in the step of triggering (col. 9, lines 65 through col. 10, lines 6).

11. Referring to claims 7, and 20, Buckley reference disclose the step of retrieving location information further comprises the step of matching the unique code with the location information of the database (col. 10, lines 32-39).

12. Referring to claims 8, and 21, Buckley reference disclose the database in the step of retrieving is local to the interface system (Figures 4, and 5).

13. Referring to claims 9, and 22, Buckley reference disclose the database in the step of retrieving is located at an intermediary location on the network (col. 10, lines 31-35; Fig. 4, content databases 114, 116, and 118)

14. Referring to claims 10, and 23, Buckley reference disclose the step of retrieving location information from the intermediary location further comprises the step of appending to the unique code routing information which defines the location of the intermediary location on the network

Art Unit: 2143

such that: the unique code is transmitted to the intermediary location in accordance with the appended routing information (col. 10, lines 32-39).

15. Referring to claims 11, and 24, Buckley reference disclose the step of connecting is performed using a browser program (col. 10, lines 8-12).

16. Referring to claims 12, and 25, Buckley reference disclose the steps of retrieving, connecting and displaying are performed automatically in response to the step of transmitting (Fig. 4; col. 10, lines 32-39).

17. Referring to claims 13, and 26, Buckley reference disclose the step of presenting comprises displaying the web page to the user via a display operatively connected to the interface system (Fig. 9; col. 11, lines 6-26).

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2143

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Donnell, Jr. U.S. Patent 6,686,910

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H. Nguyen
Examiner
Art Unit 2143

May 17, 2004

Application/Control Number: 09/659,520
Art Unit: 2143

Page 7

A handwritten signature in black ink, appearing to be "DW", is written over the printed name "DAVID WILEY".

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100